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2837

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark T. Gross

§ Group Art Unit: 2837

Serial No.: 09/836,686

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Filed: April 17, 2001

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Examiner:

Marlon T. Fletcher

For: Controlling Sharing of Files By
Portable Devices

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Atty. Dkt. No.:

ITL.0556US

(P1121480)

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Commissioner for Patents
Washington DC 20231

REPLY TO PAPER NO. 3

In response to the Office action mailed January 8, 2002, the Applicant requests the Examiner to please consider the following remarks.

REMARKS

Claims 1-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,192,340 to Abecassis. Independent claim 1 is directed to a portable device that allows transfer of a file received from another device based on a transfer count associated with the file.

The Examiner indicates in the Office action that the Abecassis reference fails to teach or suggest that a portable device receives a transfer count associated with a file to allow the transfer of the file based on the associated transfer count. Therefore, independent claim 1 and the claims dependent thereon are not rendered obvious by the Abecassis reference.

The Examiner takes Official Notice that it is well known in the art to use a transfer count which can be embedded in a file to control and update a system based on the number of transferred files. Furthermore, the Examiner takes Official Notice regarding encrypt or secure files and to the transferring of files, which comprises the transmission of a copy of the file. Finally, an Official Notice is taken as to an apparatus to count the transfer files and provide control over the transferring of files to other portable devices.

Date of Deposit: 3/6/02
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington DC 20231.
Lisa O'Sullivan

Pursuant to the rules the Examiner is respectfully requested to cite a reference to support each instance where Official Notice was taken and for each assertion that something is well known.

Respectfully submitted,

Date: 3/6/02

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